

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THERESA A. KOVACS,)	CASE NO. 3:22-cv-02151-JGC
)	
Plaintiff,)	HON. JUDGE JAMES G. CARR
)	
v.)	MAG. JUDGE DARRELL A. CLAY
)	
UNIVERSITY OF TOLEDO,)	<u>MOTION FOR</u>
)	<u>JUDICIAL NOTICE</u>
Defendant.)	<u>(FED.R.EVID. 201)</u>

Pursuant to Fed.R.Evid. 201(c)(2), Plaintiff Theresa A. Kovacs moves the Court to take judicial notice of the Ohio Civil Rights Commission (“OCRC”) investigation folder related to the employment discrimination charges Kovacs filed against Defendant University of Toledo in 2021. A memorandum in support of this motion is attached.

Respectfully submitted,

COHEN ROSENTHAL & KRAMER LLP

/s/ Ellen M. Kramer

Ellen M. Kramer (0055552)

emk@crklaw.com

Jason R. Bristol (0072989)

jbristol@crklaw.com

COHEN ROSENTHAL & KRAMER LLP

3208 Clinton Avenue

Cleveland, Ohio 44113

216-815-9500 [Tel.]

216-781-8061 [Fax]

Counsel for Plaintiff

MEMORANDUM IN SUPPORT

The employment discrimination claims in this proceeding stem from conduct which occurred in late 2020 and early 2021 in the University of Toledo's Human Resources ("HR") Department. Prior to filing this lawsuit, Plaintiff Theresa A. Kovacs submitted an employment discrimination charge to the OCRC, which investigated and issued a probable cause determination in November of 2021.

Plaintiff's OCRC probable cause determination is already attached to her Complaint. The documents from the investigation conducted by the OCRC in Plaintiff's proceeding are attached hereto as ***Exhibit 1***: Theresa Kovacs v. The University of Toledo, OCRC Charge TOLA2(40870)0224021/22A-2021-0195C.

Ohio Civil Rights Commission ("OCRC") records are public records of which a court can take judicial notice. See, e.g., *Alexander v. CareSource*, 576 F.3d 551, 561-62 (6th Cir. 2009) (citing *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 170 (1988)); *Botter v. Tuesday Morning*, Case No. 1:18-cv-00847, *2 (S.D. Ohio June 12, 2019); *Mayes v. Univ. of Toledo*, Case No. 3:14-cv-01556, 2015 WL 521111, *4 (N.D. Ohio Feb. 9, 2015); *Kovacs v. Superior Dairy, Inc.*, 930 F.Supp.2d 857, 863 (N.D. Ohio 2013); *Bass v. Wendy's of Downtown, Inc.*, No. 11-cv-940, 2012 WL 1552264, at *2 n.1 (N.D. Ohio May 1, 2012).

Pursuant to Fed.R.Evid. 201(c)(2), this Court should take judicial notice of the OCRC proceeding filed by Theresa Kovacs, and to the related OCRC investigation documents as they are public records.

Respectfully submitted,

COHEN ROSENTHAL & KRAMER LLP

/s/ Ellen M. Kramer

Ellen M. Kramer (0055552)

emk@crklaw.com

Jason R. Bristol (0072989)

jbristol@crklaw.com

COHEN ROSENTHAL & KRAMER LLP

3208 Clinton Avenue

Cleveland, Ohio 44113

216-815-9500 [Tel.]

216-781-8061 [Fax]

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 31, 2023, I electronically filed the foregoing PLAINTIFF'S MOTION FOR JUDICIAL NOTICE with the Clerk of the Court using the CM/ECF system which will also send such notification to counsel for the Defendant.

/s/ Ellen M. Kramer